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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,707	11/18/2003	Mark A. Alcazar	MS1-1798US	5422

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EXAMINER
SEYE, ABDOU K

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
09/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/715,707

Applicant(s)

ALCAZAR ET AL.

Examiner

Abdou Karim Seye

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06/28/2007.

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on June 28, 2007 has been received and entered. The amendment amended Claims 1-2, 8-10, 14 and 20 and cancelled claims 7. The currently pending claims considered below are Claims 1-6 and 8-20.

### **Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim states " a body of the code that includes a public static function call" and further states "the absence of the public static function call....." It's unclear as to whether the body of the code includes a public static function call or does not include the public static function call, that makes the claim confusing to the examiner. The Examiner will interpret this claim as the applicant intended to say that the absence of the body of the code in the second hosting environment.

Dependent claims 2-6 and 8 are also affected by the above rejection.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8-20 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Bloch et al. (US 20030195923)**.

Claim 1, Bloch teaches computer-readable medium having computer-executable components, comprising:

a body of code that includes a public static function call that operates to cause the body of code to be hosted in a first hosting environment, the absence of the public static function call being operative to cause the body of code to be hosted in a second hosting

environment (Fig. 1; Fig. 2 and Fig. 3; paragraph 31-34; client request for web content from a server environment associated with compiled code moved/executed from an host environment to the client environment ).

Claim 2, Bloch teaches,

wherein the body of code comprises an executable file (paragraph 34).

Claim 3, Bloch teaches,

wherein the function, when compiled, results in a byte signature within an executable code, the byte signature being indicative of the function call (paragraph 82).

Claim 4, Bloch teaches,

wherein the first hosting environment comprises a browser hosting environment ( paragraph 33).

Claim 5, Bloch further teaches,

wherein the second hosting environment comprises a standalone hosting environment (Paragraph 33).

As per claim 6, it is rejected for the same reasons as claims 4 and 5 above.

Claim 8, Bloch teaches, wherein the public static function is called from within a public class included in the body of code (paragraph 44).

As per claim 10-13 and 15-19, they are rejected for the same reasons as the claims above.

Claim 20, Bloch teaches;

wherein the executable file is configured for execution in either the default hosting environment or the alternative hosting environment, and wherein a determination of whether to launch the executable file in either the default hosting environment or the alternative hosting environment is based substantially exclusively on the executable file being configured to call the function (paragraph 92; FIG. 4: "configuration manager 162"). This claimed element of Bloch reference meets the claimed limitation of the claim.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Hill (20040073904) discloses a method and apparatus for accelerating program execution in platform-independent virtual machine.

Alagna et al (20040187023) discloses a Method, system and computer program product for security in a global computer network translation.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS  
September 04, 2007

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER